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Attorney for Plaintiffs

DALE GARDNER and

MELISSA GARDNER

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re

MORDECHAI KOKA,

Debtor.

BK Case No.: 20-50469-SLJ

Chapter 11

DALE GARDNER, an individual; and

MELISSA GARDNER, an individual,

Plaintiffs,

v.

MORDECHAI KOKA, an individual, and

GREEN BAY BUILDERS, INC., a

AP Case No.: 20-5030-SLJ

**PLAINTIFFS' INITIAL STATUS
CONFERENCE STATEMENT**

Date: August 27, 2020

Time: 1:30 p.m.

Location: Telephonically/Videoconference¹

Judge: Honorable Stephen L. Johnson

¹ Paragraph 8 of *General Order 38 (Third Amended)* provides that "[u]nless otherwise ordered by the presiding judge, all notices of any motion or application filed with the court and served on any party which sets a hearing date for the motion or application must state that the hearing will not be conducted in the presiding judge's



1 California corporation,

2 Defendants.

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4 Plaintiffs DALE GARDNER and MELISSA GARDENER (collectively, "Plaintiffs")
5 hereby file this *Status Conference Statement* in the above-captioned Adversary Proceeding.

6 **I. STATUS OF THE ADVERSARY PROCEEDING**

7 On July 20, 2020, defendant MORDECHAI KOKA ("Defendant") filed an *Answer*
8 [Dkt. No. 9] to the *First Amended Complaint* [Dkt. No. 7].

9 However, defendant GREEN BAY BUILDERS, INC. ("GBBI") did not timely file a
10 responsive pleading to the *First Amended Complaint*, and on July 22, 2020, the Clerk of the
11 Court entered a default as to GBBI. As such, as of the date of this Status Conference Statement,
12 the Adversary Proceeding is at issue.

13 **II. RULE 26 DISCOVERY CONFERENCE AND INITIAL DISCLOSURES**

14 On August 7, 2020, Plaintiffs and Defendant held a Rule 26 Discovery Conference,
15 and thereafter, Plaintiffs proposed the following discovery plan, which appears agreeable to
16 Defendant:

<u>Written Discovery Deadline:</u>	March 5, 2021
<u>Deposition Deadline:</u>	April 6, 2021
<u>Expert Disclosures:</u>	June 4, 2021
<u>Trial Date:</u>	Week of July 12, 2021 (or later)

20 All other dates not specifically identified above, should be the default deadlines set forth
21 in the Court's standard-form *Scheduling Order* for Adversary Proceedings.

22 On or before August 21, 2020, Plaintiffs will serve upon Defendants their *Initial*
23 *Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)* in this matter.

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26 courtroom but instead will be conducted by telephone or video, and include the following language: 'All interested
27 parties should consult the Bankruptcy Court's website at www.canb.uscourts.gov for information about court
28 operations during the COVID-19 pandemic. The Bankruptcy Court's website provides information regarding how
to arrange a telephonic or video appearance. If you have any questions regarding how to appear at a court hearing,
you may contact the Bankruptcy Court by calling 888-821-7606 or by using the Live Chat feature on the Bankruptcy
Court's website.'" See [https://www.canb.uscourts.gov/sites/default/files/general-orders/ThirdAmendedGeneral
Order38%20SJ%20hours%20Change%206%2015%2020.pdf](https://www.canb.uscourts.gov/sites/default/files/general-orders/ThirdAmendedGeneralOrder38%20SJ%20hours%20Change%206%2015%2020.pdf)



1 **III. ALTERNATIVE DISPUTE RESOLUTION**

2 At the Rule 26 Discovery Conference, Plaintiffs indicated a strong preference to attempt
3 to resolve all claims set forth in this Adversary Proceeding through any acceptable form of
4 Alternative Dispute Resolution, including but not limited to, the Bankruptcy Dispute Resolution
5 Program (BDRP), Judicial Mediation (if available), and/or private mediation. Counsel for
6 Defendant was going to discuss acceptable forms of Alternative Dispute Resolution with their
7 client, along with material terms of potential settlement offers, but as of the date of this Status
8 Conference Statement, has not advised Plaintiffs regarding either matter.

9 To the extent that the parties cannot informally settle this matter prior to the *Initial Status*
10 *Conference* (August 27, 2020), then Plaintiffs would request that the Court enter an order
11 requiring the parties to attend a mutually acceptable form of Alternative Dispute Resolution.

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13 Dated: August 19, 2020

MEYER LAW GROUP LLP

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15 By: /s/ BRENT D. MEYER

16 Brent D. Meyer, Esq.
17 Attorneys for Plaintiffs
18 DALE GARDNER and MELISSA
19 GARDNER
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